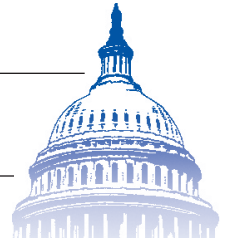


ORRIN HATCH

United States Senator for Utah



The Hatch Report

April 2004

Senator Orrin G. Hatch

Dear Friends:

I am delighted to have this opportunity to communicate directly with you on a regular basis through a new initiative I am implementing – *The Hatch Report*. Through this report I will try to update you on issues that are currently being debated in the United States Congress which are critically important to Utah, to America, and to you and your family. Life moves at a very fast pace in Washington, D. C. and I find that sometimes when the wheels of Congress are moving so quickly; facts and information about what is occurring often gets left behind. I want to help fix that problem and I hope *The Hatch Report* will be a good step forward in providing meaningful, instructive information about issues that affect all of us.

In this first issue of *The Hatch Report*, I want to briefly touch upon two topics which are at the forefront of work happening on Capitol Hill, and are on the minds of Utahns throughout our state – protecting traditional marriage, and preventing and responding to acts of terrorism.

Protecting Marriage

At no other time in our history has the fight to preserve American families been so needed. The bedrock of the American family is traditional marriage, and it is just this institution that some would have ripped from its moorings. Our nation is currently in a heated debate on the definition of marriage. To me, the question comes down to whether we amend the Constitution or we let courts or administrative entities do it for us by

default. I know which is the more democratic option, and that is for us, as citizens and their elected officials, to amend the Constitution. Questions about issues that are as fundamental as the family simply should not be left to the courts to decide.

I have heard from literally hundreds of Utahns who share my concern about this issue. We have all watched as the disintegration of the family in

America has correlated with many serious social problems, including crime and poverty. We are seeing soaring divorce rates and out-of-wedlock birth rates that have resulted in far too many fatherless families. Weakening the legal status of marriage at this point will only exacerbate these problems. We simply must act to strengthen the family.

The Allard Amendment which the United States Senate is currently examining offers a sound and necessary alternative to judicial weakening of the family by stopping the courts from forcing same-sex marriages and unions on the people. Some have suggested that we need to wait until the Supreme Court and other courts further their assault on traditional marriage. I say we cannot wait any longer. Hawaii, Alaska, Nevada and Nebraska all acted to amend their Constitutions to preempt adverse judicial rulings in this area, and I concur with many others that we need to do so here. We don't need to wait for the Supreme Court to force this radical change in our culture when we can prevent it with a Constitutional amendment which would clearly protect traditional marriage, and in turn protect our families from further erosion and harm.

Preventing and Responding to Acts of Terrorism

On September 11, 2001 America's sense of security was changed forever. Terrorism was no longer an act of violence we saw happen on distant shores as we watched the nightly news each night. Terrorism had come home to our neighborhoods and had pierced our souls and our sense of security on our own land. Since that day, Congress has responded in a variety of ways

including new legislation aimed at defending our nation against terrorism. I believe one of the most important steps we have taken to keep our citizens safe has been to pass the Patriot Act – a bi-partisan bill which passed the Senate 98-1.

The Patriot Act is a collection of laws designed to help prevent any future terrorist attacks on America. Among other things, the Patriot Act requires intelligence agencies to coordinate with law enforcement, and updates the surveillance techniques that law enforcement may use to investigate terrorist suspects.

But passing the Patriot Act did not finish our job. Congress has the responsibility to oversee that the laws that we pass are implemented properly, and that they are addressing the issues they were intended to protect. Some important provisions of the Patriot Act are scheduled to expire in 2005, so it is very critical that this important set of laws be examined closely, and that the examination be based upon facts and sound evidence.

Earlier this month I had the privilege of holding a Field Hearing of the United States Senate Judiciary Committee in Utah to examine the adequacy of our Federal laws to protect the American public from and respond to, acts of terrorism against the United States. This hearing was one of a series of bipartisan hearings which the Senate Judiciary Committee has initiated to address the issue of America's security and protection of our freedoms.

During the hearing in Utah, and in prior hearings held in Washington, D. C. I have been struck by the misunderstandings and confusion people across our country have about the Patriot Act

and our nation's anti-terrorism laws. I thought you might find it interesting if I discussed with you some of the important facts regarding this legislation, and hopefully put to rest some of the myths surrounding this law.

- **The Patriot Act does not allow law enforcement authorities to spy on ordinary citizens.** Patriot does allow law enforcement to use some of the same surveillance methods that have been used for years against drug traffickers and organized crime against terrorism suspects. In all cases, authorities are held to strict standards in protecting citizens' privacy rights, including obtaining warrants, showing probable cause, and reporting to courts for review of their investigations.

- **Law enforcement cannot search your home without telling you under the Patriot Act.** The Act does allow use of "delayed notification" search warrants in terrorism cases. These warrants have been used for years by numerous law enforcement authorities in other types of cases and require judge's approval. They allow authorities to search a location first and notify the target of the search later. This longstanding practice prevents suspects from fleeing or destroying key evidence.

- **The Patriot Act does not grant the authorities sweeping new powers to access your library records.** Section 215 of the Patriot act allows terrorism investigators, after obtaining a court order, to access government records relevant to terrorism investigations. Although

these records could include library records, this is another tactic that law enforcement has used for many years. Any court order to access a citizens's records would face strict and specific requirements as to what it could be used for, and could not be based solely on activity protected by the First Amendment.

- **The Patriot Act does not target peaceful domestic advocacy groups or broaden the definition of "terrorist."** The Patriot Act actually narrows who may be targeted under a terrorism investigation from prior law. The Patriot Act's definition of "domestic terrorist" is extremely specific and actually more narrowly defined than the pre-existing definition of "international terrorism."

- **The Patriot Act has been used by law enforcement to catch terrorists, and it has worked.** Law enforcement has used the tools provided by the Patriot Act on many occasions since September 11th to investigate and prosecute terrorists. From individuals such as John Walker Lindh, the so-called American Taliban, to terrorist cells across the country, the Patriot Act has done



exactly what it was created to do. On the other hand, there have been no documented abuses of the powers available under the Patriot Act.

I pledge to you that I will continue to evaluate the tools our nation has in place to protect us from the clear and present threat of terrorism on our soil. If we need to refine the law, we will. If the facts show that we have gone too far, in one area or another, we will make appropriate adjustments. But we must do so in an environment based on facts, not misinformation and unjust speculation. True individual freedom cannot exist without security, and our security cannot exist without protection of our civil liberties. I will continue to strive to shore up that delicate balance of collective security and individual liberty.

I look forward to discussing more important issues with you next month. I hope you will enjoy The Hatch Report and find it an informative source for information regarding the work myself, and others do, in our nation's capitol.

Sincerely,



Orrin G. Hatch
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United States Senate

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